

ARKANSAS SUPREME COURT

No. CR 07-102

NOT DESIGNATED FOR PUBLICATION

ALPHONSO S. WILSON
A/K/A ALPHONSO SHUNTLY WILSON
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered February 22, 2007

PRO SE MOTIONS FOR EXTENSION
OF TIME TO FILE APPELLANT'S
BRIEF AND FOR APPOINTMENT OF
COUNSEL [CIRCUIT COURT OF
PULASKI COUNTY, CR 2004-1186,
HON. JOHN W. LANGSTON, JUDGE]

MOTION FOR EXTENSION OF TIME
GRANTED; MOTION FOR
APPOINTMENT OF COUNSEL
DENIED.

PER CURIAM

In 2005, Alphonso S. Wilson, also known as Alphonso Shuntly Wilson, was convicted of capital murder and sentenced to life imprisonment without parole in the Arkansas Department of Correction. We affirmed. *Wilson v. State*, 365 Ark. 664, ___ S.W.3d ___ (2006). Subsequently, appellant filed in the trial court a *pro se* petition for postconviction relief pursuant to Ark. R. Crim. P. 37.1. The trial court, citing an apparent clerical error in the file mark, found the petition to be timely filed, and denied the petition without a hearing. Appellant, proceeding *pro se*, has lodged an appeal here from that order.

Now before us are appellant's *pro se* motions for extension of time to file appellant's brief and for appointment of counsel. As for an extension of time, this is the first such motion filed by appellant. The time to file the appellant's brief is extended to nineteen days from the date of this opinion as requested in the motion.

We next address appellant's request for appointment of counsel and point out that there is no absolute right to appointment of counsel in civil matters. *See* *Mixon v. State*, 318 Ark. 762, 887 S.W.2d 307 (1994) (*per curiam*); *Virgin v. Lockhart*, 288 Ark. 92, 702 S.W.2d 9 (1986) (*per curiam*). Nevertheless, this court has held that if an appellant makes a substantial showing that he is entitled to relief in a civil action and that he cannot proceed without counsel, we will appoint counsel. *See* *Howard v. Lockhart*, 300 Ark. 144, 777 S.W.2d 223 (1989) (*per curiam*). Here, appellant has failed to make a substantial showing. Accordingly, we deny appellant's motion for appointed counsel.

Motion for extension of time granted; motion for appointment of counsel denied.